

ORDINANCE NO. 2010-02

AN ORDINANCE REGULATING PERSONS ENGAGED IN THE BUSINESS OF BUYING GOLD, SILVER, PRECIOUS METALS, OR GEMS OR OBJECTS MADE OF GOLD, SILVER, PRECIOUS METALS, OR GEMS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED by the Council of the City of Center Point as follows:

SECTION 1. Definitions.

For the purpose of this ordinance the following terms shall have the following meanings:

- (a) Covered Items: This term shall include all gold, silver, precious metals, or gems or any object which contains any amount of gold, silver, precious metal(s), or gem(s).
- (b) Permittee: The person to whom a permit is issued pursuant to the provisions of this ordinance and any agent, officer or employee of such person who is engaged in the business for which the permit was issued.
- (c) City Council: The Council of the City of Center Point.
- (d) Wholesaler: A person who sells to retailers for resell rather than directly to consumers.
- (e) Retail Merchant: One who sells directly to the consumer.
- (f) Consumer: A person who uses economic goods and so diminishes or destroys their utilities.
- (g) Manufacturer: A person who by labor, art or skill transforms raw material into some kind of finished product or article of trade.

SECTION 2. Permit Required to Engage in the Business of Buying Gold, Silver, Precious Metals or Gems or Objects Made of Gold, Silver, Precious Metals, or Gems.

No person shall engage in the business of buying Covered Items without having first obtained a permit therefore from the City of Center Point.

SECTION 3. Permit Application and Fee.

- (a) Application for a permit required herein shall be made to the City Clerk in accordance with applicable City ordinances, rules and regulations.

- (b) Each application for a permit hereunder shall be accompanied by an application fee of \$200.00.

SECTION 4. Records To Be Kept.

It shall be the duty of each person engaged in the business of buying Covered Items to obtain a valid Driver's License or Non-driver Identification Card from any person from whom he purchases or receives any Covered Items and to make and maintain a photocopy of said Driver's License or Certified Identification Card and to make and maintain a photograph of all such Covered Items. It shall be the duty of each such Retail Merchant and Wholesaler to keep at his place of business a permanently bound book, with the page therein numbered by the manufacturer, in which he shall enter, or cause to be entered, in ink, a minute description of all Covered Items bought at the place of business, and the time which the property was received, making particular mention of any prominent marks on same, together with the name, sex, race, apparent age, and general description and place of residence of the person from whom such property was bought, and wherever such items bear a number or name of a manufacturer or other descriptive mark, the description hereinabove provided for shall include such number, name of a manufacturer, and other descriptive marks. Each Retail Merchant and/or Wholesaler shall make the entries, or cause the entries to be made, in the book, as herein provided, at the time any such property is received. Such Retail Merchant and/or Wholesaler shall make the entries herein required by making the first entry at the top of the first page of the book. Subsequent entries in the book shall be made in the order in which the property to which the respective entries pertain was received. It shall be unlawful for any such Retail Merchant or Wholesaler to remove, or permit to be removed, any page or part of a page from such book or to erase or obliterate, or permit to be erased or obliterated, any entry made upon any page thereof.

SECTION 5. Inspection of Records.

Each Retail Merchant and Wholesaler, during the ordinary hours of business, when requested by the Mayor, his designee, or any law enforcement officer of the City, shall submit and exhibit such records as is provided for in Section 4 to the inspection of the Mayor, his designee, or law enforcement officer, and upon demand shall exhibit any Covered Items which may be in the place of business of such Retail Merchant and/or Wholesaler or which may have been bought or received by such Retail Merchant and/or Wholesaler or which may be kept by him at any place.

SECTION 6. Weekly Report to Police.

It shall be the duty of every Retail Merchant and/or Wholesaler to furnish to the City Clerk, at her office each week upon forms provided for that purpose, a complete description of all Covered Items bought or received during the preceding week, together with the name, sex, race, apparent age and general description and place of residence of the person selling or exchanging any such property showing the hour such property was received, purchased, or exchanged.

SECTION 7. Retail Merchant and Wholesalers to Retain Purchases For Thirty Days.

It shall be unlawful for any Retail Merchant and/or Wholesaler to sell, exchange, alter, destroy, melt, or remove from his place of business any Covered Items received, bought, or exchanged by him for a period of thirty (30) days after the delivery of the report required by Section 6.

SECTION 8. Bond Required.

Prior to the issuance of a permit, the applicant shall execute and file with the City Clerk an indemnity bond payable to the City in the penal sum of \$25,000, conditioned to pay to the owner the fair market value of any property which was stolen from such owner and which the permittee has purchased or received contrary to or in violation of any provision of this ordinance or any ordinance of the City or any State law and shall assign to and deposit with City Treasurer \$25,000.00 in cash or securities, approved by the City Treasurer, as security for the payment of said bond, or, in lieu of cash or securities, such bond shall be executed by the applicant, as principal, and by a surety company authorized to do business in the State as a surety.

SECTION 9. License Tax.

Each permittee shall pay to the City a license tax for the privilege of engaging in the business of buying Covered Items in the amount specified in the then-current license ordinance of the City and shall each year thereafter pay to the City such amount as is specified for such business in the then-current license ordinance so long as such permittee's license is in effect.

SECTION 10. Permit Not Transferable.

No permit or license issued under this ordinance shall be transferred, assigned or used by any person other than the one to whom it was issued.

SECTION 11. Penalties.

Failure to comply with this ordinance will result in the revocation of any permit issued pursuant to it, and may result in criminal charges under applicable criminal law.

SECTION 12. Exemptions.

Bona fide retail or wholesale merchants of jewelry or Covered Items, who are engaged in such business in the City in a fixed place of business under a license or licenses issued by the City pursuant to the general business license ordinance of the City and whose primary business is, respectively, the retail sale of Covered Items or jewelry to consumers or the wholesale sale of Covered Items or jewelry to retail merchants for sale to consumers, shall be exempt from the provisions of this ordinance in regard to purchase of Covered

Items from persons known by such retail or wholesale merchants to be bona fide manufacturers or wholesalers of Covered Items.


SECTION 13. Severability.

If any section, sentence, paragraph, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding of invalidity shall not affect the remaining portions of this ordinance, and it shall be construed without such unconstitutional, invalid or inoperative part therein, and the remainder of this ordinance shall be deemed and held to be valid as if such parts had not been included therein.


SECTION 14. Effective Date.

This ordinance shall be in full force and effect from after its adoption and publication or posting as required by law.

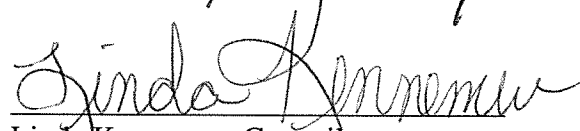
ADOPTED this 25th day of March, 2010.




Roger A. Barlow, Council President



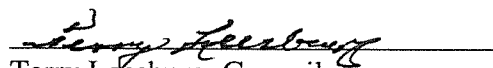
Danny King, Councilman



Linda Kennemur, Councilwoman

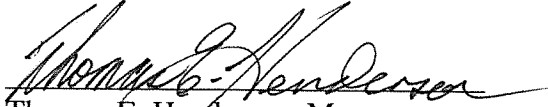


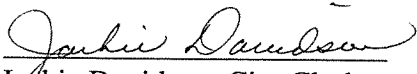
Raymond Olan, Councilman



Terry Leesburg, Councilman

APPROVED this 26th day of March, 2010.


Thomas E. Henderson, Mayor

ATTESTED: 
Jackie Davidson, City Clerk